

## **REMARKS**

Amendments to the drawings have been made on the two replacement sheets, which in Fig. 1 indicate that it is Prior Art and in Fig. 9 the reference numeral 950 has been removed. The objection to the reference numeral 210 by the Examiner is not understood. This reference numeral appears to refer to a flow leakage gap both in the description and in the drawing.

With regard to the objections under §112, it is submitted that appropriate amendments have been made in the claims removing the reference to the defining second layer.

With regard to the objections under §102 and §103: The Kluge patent US 6 131 879 does not show a microvalve comprising a first substrate layer defining a first plane and a second layer disposed over the first substrate layer cooperating with the first substrate layer to form a flow duct through which the flow traverses thereby defining a direction of main flow along a flow axis. The Kluge patent discloses a flow duct which has no single main direction of flow. Instead, the flow comes in out-of-plane through nozzle 30, turns in-plane and turns back out-of-plane through nozzle 32.

Further, the Kluge patent does not show an obstruction element for obstructing the flow, said obstruction element being displaceable in a second plane substantially perpendicular to the flow axis and out of plane with respect to the first substrate layer. The valve described in the Kluge patent operates by utilizing an out-of-plane moving obstruction 14 that regulates the flow through an in-plane orifice 30. As such, the obstruction element 14 in the Kluge patent is displaceable out of plane AND the direction of main flow in nozzle 30 is also out of plane. Therefore the obstruction element is displaceable PARALLEL to the flow axis, in contrast to our invention as defined in the independent claims, wherein the obstruction element is perpendicularly displaceable in relation to the flow axis. Due to the geometry of the Kluge valve, it suffers from problems with providing a flow obstruction that can sufficiently counteract the pneumatic forces of the flow it controls." This problem is solved with the geometry of the valve according to the present invention as defined in the independent claims.

It is submitted that the claims as amended more clearly and distinctly define the invention in relation to the cited art.

In the event there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

No additional fees are believed to be due at this time beyond the one month extension fee, however if necessary to effect a timely response the Commissioner is authorised to deduct the necessary fees from Deposit account No. 501249.

Respectfully submitted,

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